

House File 2161

H-8236

1 Amend House File 2161 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 692A.128, Code 2022, is amended to read
5 as follows:

6 **692A.128 Modification.**

7 1. A sex offender ~~who is on probation, parole, work release,~~
8 ~~special sentence, or any other type of conditional release~~ may
9 file an application in district court seeking to modify the
10 registration requirements under this chapter.

11 2. An For an offender whose requirement to register as a sex
12 offender commenced prior to July 1, 2022, an application shall
13 not be granted unless all of the following apply:

14 a. The date of the commencement of the requirement to
15 register occurred at least two years prior to the filing of the
16 application for a tier I offender and five years prior to the
17 filing of the application for a tier II or III offender.

18 b. The sex offender has successfully completed all sex
19 offender treatment programs that have been required.

20 c. A risk assessment has been completed and the sex offender
21 was classified as a low risk to reoffend. The risk assessment
22 used to assess an offender as a low risk to reoffend shall
23 be a validated risk assessment approved by the department of
24 corrections.

25 d. The sex offender is not incarcerated when the application
26 is filed.

27 e. The director of the judicial district department
28 of correctional services supervising the sex offender, or
29 the director's designee, stipulates to the modification,
30 and a certified copy of the stipulation is attached to the
31 application.

32 3. For an offender whose requirement to register as a sex
33 offender commenced on or after July 1, 2022, an application
34 shall not be granted unless all of the following apply:

35 a. A period of time has elapsed since the offender's initial

1 registration as follows:

2 (1) (a) Except as otherwise provided in subparagraph
3 division (b), a tier I offender initially registered at least
4 ten years prior to the filing of the application.

5 (b) A tier I offender who was under twenty years of age at
6 the time the offender committed a violation of section 709.4,
7 subsection 1, paragraph "b", subparagraph (2), subparagraph
8 division (d), initially registered at least five years prior to
9 the filing of the application.

10 (2) A tier II or tier III offender initially registered at
11 least fifteen years prior to the filing of the application.

12 b. The sex offender has successfully completed all sex
13 offender treatment programs that have been required.

14 c. A risk assessment has been completed and the sex offender
15 was classified as a low risk to reoffend. The risk assessment
16 used to assess an offender as a low risk to reoffend shall
17 be a validated risk assessment approved by the department of
18 corrections.

19 d. The sex offender is not incarcerated when the application
20 is filed has successfully completed any pretrial release,
21 probation, parole, or work release for the offense requiring
22 registration.

23 e. The director of the judicial district department
24 of correctional services supervising the sex offender, or
25 the director's designee, stipulates to the modification,
26 and a certified copy of the stipulation is attached to the
27 application.

28 f. The sex offender is not incarcerated when the application
29 is filed.

30 (1) A tier I offender must not have been convicted of any
31 criminal offense other than a simple misdemeanor, or a simple
32 or serious misdemeanor or traffic violation under chapter 321,
33 for the ten-year period immediately preceding the filing of the
34 application.

35 (2) A tier II or tier III offender shall not have been

1 convicted of any criminal offense other than a simple
2 misdemeanor, or a simple or serious misdemeanor or traffic
3 violation under chapter 321, for the fifteen-year period
4 immediately preceding the filing of the application.

5 ~~3.~~ 4. The application shall be filed in the sex offender's
6 county of principal residence.

7 ~~4.~~ 5. Notice of any application shall be provided to the
8 county attorney of the county of the sex offender's principal
9 residence, the county attorney of any county in this state
10 where a conviction requiring the sex offender's registration
11 occurred, and the department. The county attorney where the
12 conviction occurred shall notify the victim of an application
13 if the victim's address is known.

14 ~~5.~~ 6. The court may, but is not required to, conduct
15 a hearing on the application to hear any evidence deemed
16 appropriate by the court. The court may modify the
17 registration requirements under this chapter by reducing the
18 registration period.

19 ~~6. A sex offender may be granted a modification if the~~
20 ~~offender is required to be on the sex offender registry as a~~
21 ~~result of an adjudication for a sex offense, the offender is~~
22 ~~not under the supervision of the juvenile court or a judicial~~
23 ~~district judicial department of correctional services, and the~~
24 ~~department of corrections agrees to perform a risk assessment~~
25 ~~on the sex offender. However, all other provisions of this~~
26 ~~section not in conflict with this subsection shall apply to the~~
27 ~~application prior to an application being granted except that~~
28 ~~the sex offender is not required to obtain a stipulation from~~
29 ~~the director of a judicial district department of correctional~~
30 ~~services, or the director's designee.~~

31 7. If the court modifies the registration requirements
32 under this chapter, the court shall send a copy of the order to
33 the department, the sheriff of the county of the sex offender's
34 principal residence, any county attorney notified in subsection
35 4, and the victim, if the victim's address is known.>

KLEIN of Washington

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(amending this HF 2161 to CONFORM to SF 2363)
as/rh